

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 826 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AKBARI BADRUDDIN CHARNIWALA

Versus

STATE OF GUJARAT

Appearance:

B.S.PATEL 7 R.B.PATEL FOR petitioenrs
PUBLIC PROSECUTOR for Respondent

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 06/03/98

ORAL JUDGEMENT

1. Heard Mr.B.S.Patel, Ld.advocate appearing for petitioners. Rule. Mr.K.T.Dave, Ld.APP appears on behalf of respondent-State and waives service of rule.

2. The parties have not pressed for reasoned order.

Having regard to the facts and circumstances apparent from the material produced on record and submissions urged at the bar, it is ordered that in the event of arrest of petitioner Nos 1,2&3 in respect to any investigation initiated under Enquiry Case No.9/98 filed in the court of Ld.JMFC, Baroda Dist.Baroda the petitioners to be released on bail in respect to offences made punishable under sections 409, 418 and 1210B IPC on each of them executing a bond of Rs.50,000/- and furnishing two sureties of the like amount to the satisfaction of the lower court and subject to the conditions that they shall:

(i) That they shall remain present before the Investigation Officer, Wadi Police Station on 10th MARCH, 1998 between 11 am and 1.00 pm and thereafter as and when called by the Investigation Officer in respect to investigation of above said enquiry case.

(ii) That they shall make themselves available for interrogation by a police officer whenever and wherever required.

(iii) That they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) That they shall, at the time of execution of bond, furnish their address to the investigating officer and the courts and if there is any change, the same shall be intimated to the concerned police station and the courts.

(v) That they shall not leave India without the permission of the court. If the investigating officer directs to deposit the passport, the said direction shall be complied with unless the competent court directs otherwise.

This order will hold good if the petitioner is arrested at any time within 90 days from today. The order for release on bail will remain operative only for a period of ten days from the date of their arrest. Thereafter, it will be open to the petitioners to make a fresh application for being enlarged on bail in usual

course which when it comes before the competent court will be disposed of in accordance with law, having regard to all the attending circumstances and the material available at the relevant time uninfluenced by the fact that anticipatory bail was granted.

Rule is made absolute. DS permitted.